

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NATHANIEL LEROY ELLIOT

Petitioner,

v.

**COMMISSIONER LOUIS GIORLA, et
al.,**

Respondents.

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:
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: **Civil Action**
:
: **No. 12-5799**
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ORDER

AND NOW, this 26th day of September 2013, upon consideration of petitioner's objections and a review of the Judge Strawbridge's report and recommendation, **IT IS HEREBY ORDERED** that:

1. Petitioner's objections are **OVERRULED**;
2. The report and recommendation is **APPROVED** and **ADOPTED**;¹
3. The petition for a writ of habeas Corpus is **DISMISSED WITHOUT PREJUDICE**;
4. Petitioner's request for a certificate of appealability is **DENIED**; and
4. The Clerk is directed to mark this case **CLOSED**.

BY THE COURT

/s/ Lawrence F. Stengel

LAWRENCE F. STENGEL, J.

¹ I review de novo those portions of the magistrate judge's report to which timely and specific objection is made. 28 U.S.C. § 636(b)(1); Goney v. Clark, 749 F.2d 5, 6 (3d Cir. 1984). Judge Strawbridge recommends that I dismiss this petition for a writ of habeas corpus, because the petitioner has failed to exhaust his state court remedies. In his objections, the petitioner does not argue that he has exhausted his state court remedies. Since no specific objection was made, I need only "give some reasoned consideration to the magistrate's report," Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987). I have reviewed the report and recommendation, and find that it is well reasoned and free of clear error; therefore, I adopt and approve the report and recommendation.